

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
C/A NO. 1:20-CV-0033-MOC**

SHAILESH JAHAGIRDAR, et. at,

Plaintiffs,

v.

THE COMPUTER HAUS, INC., et al.,

Defendants.

**JOINT DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION ALLOW ANDREW
FREE TO APPEAR AND PROVIDE
TESTIMONY AT TRIAL BY VIDEO
CONFERENCING**

NOW COME Defendants The Computer Haus NC, Inc. d/b/a CityMac, Troy Curran, Ocean Tech, Inc. d/b/a CityMac (collectively, the “Employer Defendants”), Defendants Zephyr Investments, Inc., TS Leasing, LLC, Green Vault, Inc., Curran Ranch, LLC, Northern Passage, Inc., Salish Sea, LLC, Curran Holdings, LLC, Brandy Curran, Amber Curran and Ocean Dance (collectively, the “Non-Employer Defendants”), and Defendants Mark Curran and Curran Brothers, LLC (collectively, the “Mark Curran Defendants,” and together with the Employer Defendants and Non-Employer Defendants, collectively, the “Defendants”), by and through their respective undersigned counsel, hereby jointly oppose Plaintiffs’ Motion to Allow Andrew Free to Appear and Provide Testimony at Trial by Video Conferencing (ECF No. 309).

For the sake of brevity, Defendants oppose this Motion for the reasons stated at the Pretrial Conference – Defendants have the right to confront their accusers through in-court cross-examination in the presence of the jury. This is a cornerstone of our adversarial system and the best way for the jury to weigh the credibility of each witness. There is no substitute for in-person testimony. Moreover, Plaintiff Andrew Free is the Class Representative for the Oregon Class and

appears to be the sole Oregon Class witness, which makes his in-person testimony all the more imperative.

Mr. Free's doctor's note is vague and does not provide an adequate justification for the Court to allow Mr. Free to testify remotely. Mr. Free had surgery months ago and the neither the Motion nor the doctor's note that says Mr. Free cannot travel, but only that the doctor has "advised against air travel" without saying exactly why. This is simply not sufficient to deny the Defendants the opportunity to confront Mr. Free and the jury the opportunity to assess his credibility.

WHEREFORE, the Defendants respectfully oppose Plaintiffs' motion for the reasons set forth above.

Respectfully submitted this February 13th day of February, 2023.

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/s/ Nathan A. White

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